

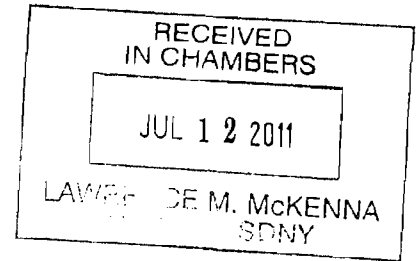
NAPOLI BERN RUPKAVILL
ATTORNEYS AT LAW

July 11, 2011

VIA HAND DELIVERY

Honorable Lawrence M. McKenna
United States District Judge
United States District Court
Daniel Patrick Moynihan
500 Pearl Street
NY, NY 10007

MEMO ENDORSED

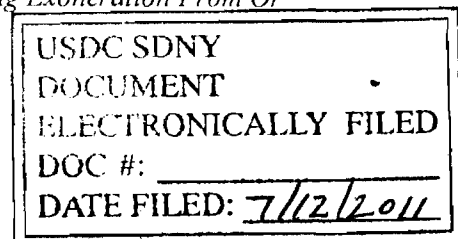


Re: *In The Matter Of The Complaint Of ANDREW HARNETT, As Owner Of Vessel M/V READY JET GO*
Docket No.: 06-0699 (LMM) ←

In The Matter Of Peter J. Sharp Boathouse, Inc., As Owner Of The Floating Vessel Constituting The Boat House, Seeking Exoneration From Or Limitation Of Liability
Docket No.: 06 Civ. 3061 (LMM)

In The Matter Of New York Rowing Association, Inc. As Owner Of A 2001, Coxless Empacher Rowing Shell, Seeking Exoneration From Or Limitation Of Liability
Docket No.: 06 Civ. 3062 (LMM)

And a fourth related case.



Dear Hon. McKenna:

We represent the Runsdorf Claimants in the above-mentioned matter. We write this joint letter on behalf of all counsel.

Since the last Court appearance of June 8, 2011, Counsel for New York Rowing Association and Peter J. Sharp Boathouse have exchanged five (5) expert reports (both liability and damages experts). All parties have stipulated to allow Counsel for Andrew Harnett a one-week extension to July 18, 2011 to serve his liability and economic expert reports, since the expert he had originally retained is out at sea and unavailable. We trust that the stipulation between the parties is agreeable with the Court.

Additionally, the deposition of Mrs. Runsdorf is currently scheduled for Monday, July 25, 2011 at 10 am. With respect to the trial date of September 12, 2011, Counsel for the Runsdorf Claimants are respectfully requesting an adjournment of the trial to October 31, 2011; as Co-Counsel for Claimants. Mr. Jacob Shisha, is starting a three week-long AML case in District Court New Jersey before Chief Judge Garrett Brown on August 29,

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2011 which will last for approximately three weeks; and then there is a further delay caused by the Jewish holidays.

The Runsdorf Claimants also reserve their right to take depositions of the experts recently exchanged by Counsel for New York Rowing Association and Peter J. Sharp Boathouse, and the anticipated expert(s) from Counsel for Andrew Harnett.

We appreciate your time and consideration of this matter and are available at the Court's convenience if Your Honor has any question about any aspect of the foregoing, or should a further conference be necessary.

Respectfully submitted,

NAPOLI BERN RIPKA, LLP



Marc Jay Bern (MB-6608)

Tabak Mellusi and Shisha

/s/

Jacob Shisha (JS - 5452)

COMMENTS BY COUNSEL FOR THE BOATHOUSE AND ROWING ASSOCIATION

Trial Dates

Petitioners, the Rowing Association and the Boathouse have no objection to the request to reschedule the trial date proposed by counsel for the Runsdorf claimants and to adjourn the trial to October 31, 2011. The Runsdorf claimants' admiralty counsel has recently advised that he will be involved as counsel in a three week admiralty trial scheduled to begin on August 29, 2011 in the U.S. District Court in New Jersey before Chief Judge Garrett R. Brown. We understand the *Gordon v. Texaco* is scheduled to begin in late August. A further delay in September and October is caused by the Jewish holy days.

Except for a short two day period in mid-October, Petitioners' counsel now expect to be prepared and available for trial on the dates set by Your Honor and through the proposed trial date in November 2011.

Experts' Reports and Depositions

The deposition of claimant Nina Runsdorf is scheduled to take place on July 25, 2011. Ms. Runsdorf's deposition had been delayed by the exchange of significant financial documentation and extensive expert reports. Further, the parties only recently clarified the non-privileged status of the claimants' financial documentation allowing the full review of these financial documents by the petitioners' experts.

Petitioner Harnett has not exchanged his experts' reports yet. We expect that he will submit both a liability or navigation expert's report and his economic expert's report by July 18, 2011. The parties did not object to his proposal.

Moreover, in light of the pending deposition of claimant, Ms. Nina Runsdorf, it may be necessary for the petitioners' experts to supplemental their reports since the Runsdorf claimants' expert based his report on an interview with Ms. Runsdorf but failed to make or maintain his notes regarding those discussions.

The parties request that the court grant an extension of discovery cutoff until August 31, 2011 for the completion of the exchange of expert reports and for the parties to conduct expert depositions, if needed. During the June 8, 2011 conference, Petitioner Harnett informed the Court and parties that his retained navigational expert was out at sea and unavailable. The parties have stipulated to allow petitioner Harnett an extension of time to July 18 to provide a navigational expert report from a different expert as well as a report from an economic expert. The parties require additional time to review these expert reports before expert depositions begin.

At this point in the proceedings, the parties collectively have retained 10 separate experts on issues impacting this matter, including experts in the fields of navigation, engineering, finance, rowing and pathology. Runsdorf claimants have advised that they are undecided about the need to depose any or all of the experts. If expert depositions are needed logic and efficiency would dictate that they be conducted back-to-back in New York since many of the experts are not local and we anticipate that it would be desired to have each attend the other's deposition, as is the custom and practice. The parties have indicated that they may not depose all experts but will require time to depose certain of these experts. An extension to August 31 would allow for depositions and any rebuttal reports as well as additional time for motions if the court agrees to extend the trial date to October 31, 2011 as the Runsdorf claimants have requested.

Ultimately, it appears that all outstanding expert depositions should be complete by August 31, 2011 and petitioners would join all parties in respectfully requesting that the Court grant them an extension of time to that date to complete expert depositions.

Motions Anticipated by Petitioners, Boathouse and Rowing Association

The parties also anticipate filing pre-trial motions. Petitioners New York Rowing Association and Peter J Sharp Boathouse are considering filing motions for summary judgment on both liability and damages issues, evidentiary motions, and Daubert and

related expert motions. The parties respectfully request that the Court set a date for the filing of all pre trial motions.

Settlement Discussions

The parties have resumed efforts to explore settlement. The Runsdorf claimants have made a demand in open court twice and we are hopeful that further discussions will be productive.

COMMENTS BY COUNSEL FOR ANDREW HARNETT

We agree with the comments portion of this letter as proposed by counsel for Rowing Association and the Boathouse, but add that we too contemplate the similar motions as proposed by counsel for Rowing Association and the Boathouse.

We add that we are going to provide both economic and liability experts.

*Time to complete discovery
extended to 8/31/11. Trial
adjourned to 10/31/11. So
ordered.*

cc:

[Signature]
LSN 7/12/11

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